

On page 24, line 3, after "Gly-Gly-Gly-Cys" insert --<SEQ ID NO:3>--.

On page 24, lines 3 to 4, after "Gly-Gly-Gly-His" insert --<SEQ ID NO:4>--.

On page 116, line 9, after "Tyr-Ile-Gly-Ser-Cys-Arg" insert --<SEQ ID NO:5>--.

#### REMARKS

Submitted herewith is the "Sequence Listing" pursuant to 37 C.F.R. §§ 1.821 - 1.825.

The submission includes no new matter which goes beyond the disclosure in the application as filed.

Submitted herewith is the paper copy of the "Sequence Listing" disclosure pursuant to 37 C.F.R. § 1.821(c). Submitted concurrently herewith is the computer readable copy of the same "Sequence Listing" disclosure pursuant to 37 C.F.R. § 1.824. Pursuant to 37 C.F.R. § 1.821(f), Applicant avers that the information recorded in computer readable form is identical to the written "Sequence Listing."

The applicant notes that this Sequence Listing is significantly more limited than the listing submitted in the parent case, now U.S. Patent No. 6,027,711. This is due to the amendments to the sequence rules effective as to applications filed on or after July 1, 1998. Sequences containing D-amino acids are specifically exempted pursuant to 37 C.F.R. § 1.821(a)(2). Accordingly, the sequences on, inter alia, page 20, line 17; page 20, line 18; page 20, line 19; page 20, line 20; page 20, line 21; page 20, line 23; page 20, line 24; page 20, line 25; page 20, line 26; page 20, line 28; page 22, line 8; and, page 22, line 9 are all exempt. Further, under Rule 37 C.F.R. 1.821(a), sequences with "fewer than four specifically defined... amino acids are excluded."

Entry of this Preliminary Amendment is respectfully requested. Should the Examiner have any questions or comments the Examiner is invited to call the undersigned.

Respectfully submitted,

Dated: May 3, 2000

By: 

Jeffrey D. Myers  
Reg. No. 35,964

PEACOCK, MYERS & ADAMS, P.C.  
Attorneys for Applicant(s)  
P.O. BOX 26927  
Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

File: 70025-9902  
F:\MIKE\PATENT\Palatin-Rhomed\Div-I\PreAmd 09-483,837.doc

Practitioner's Docket No. 70025-9902-11

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: SHARMA, SHUBH D.

Application No.: 0 9 /483,837

Group No.: 1616

Filed: January 17, 2000

Examiner: D. Jones

For: METALLOPEPTIDE AND METALLO-CONSTRUCT COMBINATORIAL LIBRARIES AND APPLICATIONS

RECEIVED

MAY 15 2000

TECH CENTER 1600/2900

Box Sequence

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

MAY 18 2000

TECH CENTER 1600/2900

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

1. ☐ This replies to the Office Letter dated \_\_\_\_\_.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.

- ☐ A copy of the Office Letter is enclosed.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
37 C.F.R. § 1.8(a)

- ☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

- ☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: May 3, 2000

Jeffrey D. Myers, Reg. No. 35,964

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 1 of 6)

## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Jeffrey D. Myers  
(type or print name of declarant signing below)  
state the following:

## ITEMS BEING SUBMITTED

3. Submitted herewith is/are:  
(check each item as applicable)
- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
  - B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
  - C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
  - D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:  
In re application of:  
Application No.: 0 / Group No.:  
Filed: Examiner:  
For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form  
(other application)

"Sequence Identifier"  
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. § 1.821(e).

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☐ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☐ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

- ☒ a small entity. A statement:
- ☐ is attached.
- ☒ was already filed.
- ☐ other than a small entity.

(Submission—Nucleotide and/or Amino Acid Sequence [9-37]—page 3 of 6)

RECEIVED  
MAY 18 2000  
TECHNOLOGY CENTER

## EXTENSION OF TERM

6.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b) as applicable)

(a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE PAYMENT

8. ☐ Attached is a check in the sum of \$\_\_\_\_\_.

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_.

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

9.

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. ☒ If any additional extension and/or fee is required, charge

Account No. 13-4213

### SIGNATURE(s)

Jeffrey D. Myers

(type or print name of person signing statement)

May 3, 2000

Date

PEACOCK, MYERS & ADAMS, P.C.

P.O. Box 26927 Albuquerque, New Mexico 87125-6927

P.O. Address of Signatory

Signature

(if applicable)

Telephone No. ( 505 ) 998-1500

Reg. No. 35,964

Customer No.: 005179

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)
- ☐ Registration No. \_\_\_\_\_
- ☐ Other \_\_\_\_\_

(specify identity of declarant)

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

Reg. No.:

\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

\_\_\_\_\_  
(type or print name of practitioner)

Tel. No.: (      )

\_\_\_\_\_  
P.O. Address

Customer No.:

\_\_\_\_\_